

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 8, 2004. Reconsideration and allowance of the application and presently pending claims 1-8, 14 and 16-18, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claims 1-8, 14 and 16-18 remain pending in the present application. More specifically, claim 14 is directly amended and claims 9 and 13 are canceled without prejudice, waiver, or disclaimer. These amendments are specifically described hereinafter. It is believed that the foregoing amendments and additions add no new matter to the present application.

2. Response to Rejection of Claims 1, 2 and 14 Under 35 U.S.C. §102(b)

In the Office Action, claims 1, 2 and 14 stand rejected under 35 U.S.C. §102(b) as allegedly being unpatentable by *Bakshi et al.* (U.S. Patent 6,574,663), hereinafter *Bakshi*. For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claim 1

Applicants respectfully submit that independent claim 1, and independent claim 14 as amended, are allowable for at least the reason that *Bakshi* does not disclose, teach, or suggest the feature of displaying “receiving, from an operator, information corresponding to the start node and the end node” and “receiving, from the operator, information corresponding to a type of connector of interest” as recited in claim 1, or “logic configured to receive, from an operator, information corresponding to the start node and the end node” and “logic configured to receive, from the operator, information corresponding to a type of connector of interest” as recited in claim 14.

Applicants believe that *Bakshi* does not disclose, teach, or suggest any aspect of receiving information from an operator. *Bakshi* is apparently limited to at most a system that “when a device requests a service, the active topology server 120 can find an active device offering the requested service that has a shortest path to the requesting device based on the general topology map” (Col. 4, Lines 36-39). Here, there is no reference whatsoever to an

operator or any type of user. Rather, a “device requests a service” in *Bakshi*. Similarly, *Bakshi* FIG. 3 describes a process wherein “one embodiment of a protocol for providing services in the service determination phase in the active network 110. A linked device, e.g., a network management computer, performs a management task on a target device linked to the network 110. At step 310, this device sends a request to the active topology server 120. The active topology server 120 then searches the active topology map of all active devices for an active device that has a link to the target device optimized for one or more link parameters (step 320).” Nowhere else in the description of the process of FIG. 3 is there any type of reference whatsoever to an operator or user. Thus, *Bakshi* does not anticipate claims 1 or 14, and the rejection should be withdrawn.

b. Claim 2

Because independent claim 1 is allowable over the cited art of record, dependent claim 2 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 2 contains all features/elements/steps of independent claim 1. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to this claim should be withdrawn.

3. Response to Rejection of Claims 3-9, 13 and 16-18 Under 35 U.S.C. §103

In the Office Action, claims 3-9, 13 and 16-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Bakshi* and *Ahearn et al.* (U.S. Patent 5,926,463), hereinafter *Ahearn*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 3-8

Because independent claim 1 is allowable over the cited art of record, dependent claims 3-8 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 3-8 contains all features/elements/steps of independent claim 1. Accordingly, the rejection to these claims should be withdrawn.

b. Claims 9 and 13

Claims 9 and 13 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

c. Claims 16-18

Because independent claim 14 is allowable over the cited art of record, dependent claims 16-18 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that the dependent claims 16-18 contains all features/elements of independent claim 14. Accordingly, the rejection to these claims should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-8, 14 and 16-18 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500:

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Raymond W. Armentrout", is written over a horizontal line.

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